FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.356 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.Satish Maneshinde for the applicant.

Mr.Ashish S.Chavan for Respondent No.2.

Mr.S.R.Shinde, APP for the State.

Coram : R.S.Mohite,J

Date : 23.3.2006.

PC

1. Heard both sides. Rule. By consent rule made returnable forthwith.

2. This is an application for quashing Criminal Case no.483/PW/2005 pending in the Court of Metropolitan Magistrate, 5th Court, Dadar, Mumbai. The applicant is the accused in the said case. The FIR has been filed by the present respondent no.2 Vishwanath Dagdu Khetan. It was

the case of the complainant that he has been employed by one Jaidev Shroff to keep track of the movements of his wife Romila Shroff. The complainant was running an investigating agency. The complainant found that Romila was having an affair with the present applicant. The complaint narrates that the complainant received a telephonic call from the applicant threatening to kill him. The offence alleged is under Section 506 part-II of IPC and is non bailable in the city of Bombay and is also not compoundable.

3. It appears that subsequently Romila Shroff divorced her husband Jaidev Shroff and married the present applicant. It appears that in the matrimonial proceedings in the Family Court, Jaidev Shroff filed an undertaking withdrawing all allegations against the present applicant and his

erstwhile wife Romila and two other cases. The complainant in his affidavit in reply states that he has no objection for quashing of the proceedings. It appears that the matrimonial dispute has also been settled. In this view of the matter, no purpose would be served by going to trial for offence punishable under Section 506 part-II specially when only allegation is of a threatening telephonic call made to the complainant, when the complainant does not have any grievance. In the special circumstances of this case, rule made absolute in terms of prayer clause-(a). It is made clear that this order passed in the special circumstances of this case will not be cited as a precedent.

(R.S.Mohite,J)